

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-13 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth below.

Rejection under 35 U.S.C §102

Claims 1-13 stand rejected under 35 U.S.C. §102 as being anticipated by Chen et al. (U.S. Published Application No. 2004/0265905). This rejection is respectfully traversed.

The Examiner states that Chen et al. show a light source 1, a light processing unit 3-5 for focusing the light beam onto a biochip 6 and exciting fluorescent targets on the biochip to produce fluorescence, a focusing lens 8 and a spectrometer 13.

Applicants disagree that the present claims are anticipated by Chen et al. First, it is noted that the present claims refer to a spectrophotometer rather than a spectrometer. While the Examiner has equated these two instruments, in fact Chen et al. shows the use of a spectrometer rather than the claimed spectrophotometer.

Secondly, Applicants have now amended the independent claims to make it clear that the light beams which are focused onto the biochip and the fluorescence which is received therefrom is unfiltered. Thus, as seen in FIG. 3, the light from light source 50 is focused directly on the biochip without being filtered. The resultant fluorescence is also focused without filtering onto the spectrophotometer. However, in Chen et al., various color filter cube assemblies consisting of an exciter filter 3, a dichloric mirror 4 and a barrier filter 7 are used to selectively extract the fluorescence (column 3, left-hand column, lines 3-5). Thus, Applicants submit that claims 1 and 8 of the present application are not anticipated by Chen et al. Claims 2-7 and 9-13 depend from these claims and as such are also considered to be allowable. In addition, each of these claims recite other features that make them additionally allowable.

Furthermore, it is noted that in Chen et al., an optical microscope is used in conjunction with the spectrometer in order to detect color and color levels in microspheres. This arrangement is used to first magnify the images of individual beams and then sample the spectral information. The desired magnification can be obtained through the proper selection of the optic lens and the location of each beam can be ascertained. The magnifying power of the objective lens 5 and the variable zoom lens 8 allow different amounts of beam area to be combined by the aperture opening 11. Thus, in this device a magnified optical image of individual microspheres of the array are obtained. This arrangement differs from the present invention where a microscope is not necessary. Further, focusing lenses are used to focus the light passing through the lens, but not to magnify the image. Accordingly, Applicants submit that the present invention is further different from Chen et al.

Conclusion

In view of the above remarks, it is believed that the claims distinguish over the patent relied upon by the Examiner. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$60.00 is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment of credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

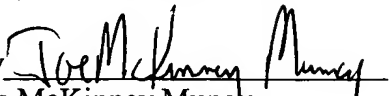
Application No. 10/777,720
Amendment dated October 31, 2005
Reply to Office Action of June 30, 2005

Docket No.: 2846-0295P
Page 7 of 7

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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Attachments